

Summary Environmental Rules Board
Indiana Government Center South
Conference Center Room A
Zoom Meeting
Indianapolis, Indiana
Wednesday, September 14, 2022

A. Call to Order

Chair Gard called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Beverly Gard, William Etzler, Dr. Joanne Alexandrovich, Calvin Davidson, Michael Schuler, Dr. Ted Niemiec, Chris Horn, Carrie Kozyrski, Michael Chambers, Mark Wasky, Katie Nelson, Dan Bortner, John Ketzenberger, Brian Rockensuess and Parvonay Stover.

Chair Gard welcomed John Ketzenberger from Indiana Nature Conservancy to the board. He replaced Karen Valiquett.

B. Approval of Meeting Summary of June 8, 2022

Chair Gard called for approval of the June 8, 2022, meeting summary, which was approved.

C. IDEM Reports

Commissioner's Report

Ms. Parvonay Stover, Chief of Staff, introduced Mr. Allen Carter, as the new Communications Director, Carl Wodrich as the new Deputy Assistant Commissioner of the Office of Program Support. She also said 2 environmental justice positions were filled, one position is in the Northwest Indiana and the other is in the Central Office.

Rules Update

Ms. Chris Pedersen, Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC), spoke on the rulemakings that could come before the next Environmental Rules Board meeting, which is scheduled for November 9, 2022.

D. Rules

1. Clark and Floyd Counties Ozone Redesignation Emergency Rule

Chair Gard opened the discussion for adoption the emergency rule for the 2015 8-Hour Ozone Redesignations for Clark and Floyd Counties. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke for the agency and said this emergency rule temporarily incorporates the current federal designation.

Mr. Etzler moved to adopt the emergency rule and Dr. Niemiec seconded. The emergency rule was adopted unanimously.

2. Lake and Porter Counties Ozone Redesignation Emergency Rule

Chair Gard opened the discussion for adoption the emergency rule for the 2008 8-Hour Ozone Redesignations for Lake and Porter Counties and 2015 8-Hour Ozone Redesignation for Porter County. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke for the agency and said this emergency rule temporarily incorporates the current federal designation.

Dr. Alexandrovich moved to adopt the emergency rule and Mr. Davidson seconded. The emergency rule was adopted unanimously.

3. Organic Solvent Degreasing Operations Correction

Chair Gard opened the discussion for the final adoption of amendments to 326 IAC 8-3-1 for Organic Solvent Degreasing Operations Correction. Ms. MaryAnn Stevens, Rule Writer, RDS, OLC, spoke concerning the rule. The rule is to remove the exemption that was added to 326 IAC 8-3-1(a)(1) in a previous rulemaking, but that cannot be approved by U.S. EPA.

Dr. Alexandrovich asked about exemptions for facilities and rules approved into the State Implementation Plan. IDEM staff responded and there was further discussion. There were no public commenters.

Mr. Etzler moved to final adopt the rule and Mr. Horn seconded. By a roll-call vote, the rule was final adopted.

4. Waste Tires

Chair Gard opened the discussion for the final adoption of amendments to 329 IAC 15 for Waste Tires. Mr. Daniel Watts, Rule Writer, RDS, OLC, spoke concerning the rule. The rule updates the existing waste tire management requirements based on compliance and enforcement issues encountered over the years and adds new requirements for the legitimate use of waste tires.

Chairman Gard asked about waste tire fire frequency and Dr. Alexandrovich asked about specific rule changes including the necessity for a new reporting requirement, department oversight of contracts with waste tire processing operators, and the deletion of a requirement to prevent water accumulation. IDEM staff responded to the questions and there was further discussion. There were no public commenters.

Mr. Davidson moved to adopt IDEM's suggested changes and Dr. Alexandrovich seconded. By a roll-call vote, the changes were adopted.

Dr. Alexandrovich moved to final adopt the rule and Mr. Bortner seconded. By a roll-call vote, the rule was final adopted.

5. Landfill Emissions

Chair Gard opened the discussion for the final adoption of amendments to 326 IAC 8-8.2. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke concerning Landfill Emissions. The rule adopts the new federal rule so that the federal plan is longer in effect in Indiana. The state will continue to meet ozone planning requirements.

There were no questions or board discussion. There were no commenters.

Mr. Wasky moved to final adopt the rule and Mr. Davidson seconded. By a roll-call vote, the rule was final adopted.

6. Angola Chloride Variance Revisions

Chair Gard opened the discussion for final adoption of amendments to 327 IAC 2-1.5-17. Ms. Krystal Hackney, Rule Writer, RDS, OLC, spoke concerning Angola Chloride Variance Revisions. The rule updates the City of Angola's chloride variance limits for the monthly average and daily maximum limits for the water quality standard.

There were no questions or board discussion. There were no commenters.

Mr. Etzler moved to adopt IDEM's suggested changes and Ms. Kozyrski seconded. By a roll-call vote, the changes were adopted.

Mr. Davidson moved to final adopt the rule and Dr. Niemiec seconded. By a roll-call vote, the rule was final adopted.

7. Ignitable Hazardous Waste

Chair Gard opened the discussion for the preliminary adoption of amendments to 329 IAC 3.1 for Ignitable Hazardous Waste. Mr. Daniel Watts, Rule Writer, RDS, OLC, spoke concerning the rule. The rule is to amend the hazardous waste requirements to be consistent with the federal hazardous rules.

There were no questions or board discussion. There were no commenters.

Mr. Etzler moved to preliminary adopt the rule and Ms. Nelson seconded. By a roll-call vote, the rule was preliminary adopted.

E. 2022 Hearing on Non-Expiring Rules under IC 13-14-9.5-1.1

Chair Gard opened the discussion for the review of Non-Expiring Rules in the air rules in Title 326 and the waste rules in Title 329.

There were no questions or board discussion. There were no commenters.

Mr. Etzler moved for no further action on listed rules and Mr. Horn seconded. By a roll-call vote, no further action is adopted.

F. Non-Rule Actions

1. Non-Rule Policy Documents

Chair Gard opened the discussion for the presentation and Mr. Marty Yeates, in the Office of Air Quality, presented the non-rule policy document on Municipal Solid Waste Landfills and Applicability of 326 IAC 8-8 and IAC 8-8.1.

Chair Gard opened the discussion for the presentation and Mr. Corey Webb, in the Office of Land Quality and Susanna Bingman, in the Office of Legal Counsel presented the non-rule policy document on Disclosure Statement Requirements for CFO Approval Applications.

2. Citizen's Petition

Chair Gard asked for an update on the Citizens petition. Paul Higginbotham indicated they were continuing to meet with petitioners and also having discussions with U.S. EPA about the Fort Wayne rulemaking previously adopted by the board. Craig Williams stated that the petitioners appreciate the opportunity for continued discussions and they have concerns about issues U.S. EPA has with the Fort Wayne rule. There was further discussion and questions from Chair Gard and Dr. Alexandrovich to both IDEM staff and the petitioner, who provided responses to the board.

Chair Gard asked for input on a motion to deny the petition while requesting that the agency commit to continuing discussions between agency staff and the petitioners through the work group process in an effort to address the issues raised by the original petition. IDEM staff addressed questions by Dr. Alexandrovich regarding the current standards in the rules.

F. Other Matters

1. Open Forum

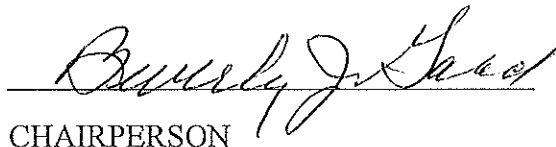
No discussion

2. Tentative Date and Location of Next Meeting

The next meeting is November 9, 2022, 1:30 p.m., Indiana Government Center-South, Conference Room A, 10 North Senate Avenue, Indianapolis, Indiana.

G. Adjournment

Chair Gard adjourned the meeting at 3:19 p.m.


CHAIRPERSON

The summary is derived from Rules Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management and will be made available on the IDEM rules website. To view approved summaries, you may go online to <http://www.in.gov/idem/legal/2355.htm>.